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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,972	05/25/2001	Dan Stanek	0112690-045	3436

7590

04/14/2004

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EXAMINER

VORTMAN, ANATOLY

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,972

Applicant(s)

STANEK ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-32 is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. The submission of the amendment filed on 02/26/04 is acknowledged. At this point claims 1, 12, and 18, have been amended and new claims 27-32 have been added. Thus, claims 1-32 are pending in the instant application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 12-18, are rejected under 35 U.S.C. 102(b) as being anticipated by US/ 2,809,254 to Edsall.

Regarding claim 1, Edsall disclosed (Fig. 6) a diagnostic blown fuse indicator for a fuse having connected in series a short circuit element (A) and a current overload element (B), comprising: a short circuit indicator (40) electrically communicating in parallel with the short circuit element (A), wherein the short circuit indicator (40) provides visual indication of a short circuit condition;

a current overload indicator (41) electrically communicating in parallel with the current overload element (B), wherein the current overload indicator (41) provides visual indication of

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an overload condition (column 5, lines 14+), wherein at least a portion of the short circuit indicator (40), at least a portion of the current overload indicator (41), the short circuit element (A) and the current overload element (B) are coupled together as a unit (i.e. all of the aforementioned elements are mechanically interconnected, thus forming a unit as shown on Fig. 6) that is inserted into a protective housing (49), at least one of the elements and indicators electrically connected to at least one conductive end (44, 47) of the housing (49) .

The limitation “after insertion” describing a sequence of the assembly of the device, is directed to a process of making. It has been held, that even though the claim is limited by and defined by the recited process, the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, the aforementioned limitation has not been given patentable weight.

4. Regarding claims 12-15, and 18, Edsall disclosed (Fig. 5, 6) a fuse having connected in series a short circuit element (A) and a current overload element (B), comprising: a short circuit indicator (40) and a current overload indicator (41) connected in parallel to said short circuit element (A) and said current overload element (B) respectively, and also connected electrically via a same conductor (common electrical lead) to a point (52) (conductor (52) and connections of indicators (40, 41) to said conductor (52) constitute the same conductor or a common electrical lead (in electrical sense), since all represent a point of equal electrical potential) between a high

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electrical resistance area of the short circuit element (A) and the current overload element (B), and a tubular housing (1',17') sized to receive through an end thereof the elements and at least portions of the indicators (Fig. 6 depicts that an end portion of indicator (14) is inserted into the tubular housing through an end of said housing), the housing is also sized to receive exposed conductive ends (44, 47), the ends communicate electrically with elements (A, B), indicators (41, 42), and with mating connectors (43, 46).

Regarding claim 16, Edsall disclosed (Fig. 1), that the overload element includes a solder (13) in electrical communication with the short circuit element.

Regarding claim 17, Edsall disclosed that the short circuit element (18) define slots (Fig. 1a).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-11 and 19-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over US/2,809,254 to Edsall in view of the Admitted Prior Art (disclosure of the instant application).

Regarding claims 2-11 and 19-22, Edsall disclosed all of the claims limitations as apply to claims 1 and 12, respectively, and further that said short and overload indicators (40, 41) may be of any conventional design (column 5, lines 18+), but did not specify that said indicators are: indicators having transparent lenses, indicators coated with vaporizable chemical composition,

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indicators having a gun cotton and an igniter wire, indicators comprising LED's, or indicators having labels with conductive and temperature responsive layers.

The Applicant has admitted (disclosure of the instant application, p. 2, lines 3-30 and p. 3, lines 1-21), that all of the aforementioned fuse indicators have been known in the fuse art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the fuse art at the time the invention was made to substitute fault indicators of Edsall with any of the aforementioned known fault indicators as taught by the Applicant's Admitted Prior Art (Applicant's disclosure (p. 2, lines 3-30 and p. 3, lines 1-21)), in order to adapt said fuse of Edsall for a particular specific application.

Allowable Subject Matter

7. Claims 23-32 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

regarding claims 23-32, independent claims 23 and 26 recite: "a single rigid body...fixed to conductive end caps that are exposed and configured to be fitted to mating connectors, (ii) the elements and indicators communicate electrically with the end caps, and (iii) the body defines at least one opening sized and shaped for a person to view both indicators located within".

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The aforementioned limitations in combination with all remaining limitations of claims 23 and 26, respectively, are believed to render said claims 23 and 26, and subsequently dependent claims 24, 25, and 27-32 allowable over the art of record.

Response to Arguments

9. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Please note that despite of using the same reference, the body of the rejection had been changed in order to address amendments to the claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 571-272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'A. Vortman', with a long horizontal flourish extending to the right.

Anatoly Vortman
Primary Examiner
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AV